

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Edward Wilson,

No. 23-cv-1992 (KMM/TNL)

Plaintiff,

v.

ORDER

Ramsey County ADC Jail,

Defendant.

This matter is before the Court on two post-judgment motions filed by the Plaintiff Edward Wilson. Mr. Wilson filed this action against Ramsey County ADC Jail on June 28, 2023 and sought leave to proceed *in forma pauperis* (“IFP”). On July 18, 2023, because Mr. Wilson is a prisoner, United States Magistrate Judge Tony Leung issued an Order requiring him to pay an initial partial filing fee pursuant to 28 U.S.C. § 1915(b) within 21 days of the date of the Order. Mr. Wilson did not comply with that Order. Judge Leung issued a first Report and Recommendation that recommended this case be dismissed for failure to prosecute.

However, Mr. Wilson wrote to the Court explaining that he had no assets and no means to pay an initial partial appellate filing fee. As a result, Judge Leung vacated the first Report and Recommendation concluding that the case should be dismissed for failure to prosecute. Judge Leung then issued a second Report and Recommendation concluding that the Complaint failed to state a claim upon which relief could be granted and recommending that the case be dismissed without prejudice on that basis. United States District Judge

Wilhelmina Wright issued an Order adopting the second Report and Recommendation, dismissing the Complaint without prejudice, and denying Mr. Wilson's IFP application. Judgment was entered on November 3, 2023.

Mr. Wilson filed a notice of appeal and sought leave to proceed IFP on appeal. On December 29, 2023, Judge Wright granted his request, and on January 3, 2024, Judge Wright issued an Order requiring Mr. Wilson to pay an initial partial appellate filing fee of \$17.17 immediately. That Order also required Mr. Wilson to pay the remaining \$587.83 balance of the appellate filing fee in installments, as prescribed by 28 U.S.C. § 1915(b)(2), and for the Clerk of Court to provide notice of that requirement to the institution where Mr. Wilson is confined. On January 4, 2024, the Eighth Circuit Court of Appeals entered judgment summarily affirming the decision of the District Court.¹

On January 16, 2024, Mr. Wilson filed two motions that are now before the Court. In the first motion, Mr. Wilson asks the Court to issue an Order allowing him to “access [his] grievances history entirely to receive accurate times and dates of incidents, also access to my medical records from Ramsey County ADC jail.” Doc. 29. Judgment was entered in this case on November 3, 2023, and it was recently affirmed by the Eighth Circuit Court of Appeals. This matter is officially closed, and the Court does not have jurisdiction over any party to order to provide the requested materials to Mr. Wilson. The motion is denied.

In the second motion, Mr. Wilson asks for an additional 21 days to come up with the initial partial appellate filing fee of \$17.17. Doc. 31. The motion is granted as follows.

¹ The Mandate was issued on January 25, 2024, and due to the retirement of Judge Wright, this case was reassigned to the undersigned District Judge on April 18, 2024.

Mr. Wilson's filing demonstrates that he lacks sufficient funds to pay the initial partial filing fee as previously required. In light of that submission and Judge Leung's earlier finding of "no assets and no means," pursuant to 28 U.S.C. § 1915(b)(4), the Court amends the Order dated January 3, 2024. The Order is amended to the extent that the Court waives the initial partial appellate filing fee in this matter pursuant to 28 U.S.C. § 1915(b)(4). The remaining portions of the January 3, 2024 Order concerning collection of the balance of the appellate filing fee, which is now the full \$600 amount, remain in effect.

IT IS SO ORDERED.

Date: April 18, 2024

s/Katherine Menendez

Katherine Menendez
United States District Court